

REMARKS

Claims 1, 5-11, and 13-27 are pending in the application. Claims 1, 5-11, 13-21, 26, and 27 have been rejected. Claims 6 to 8 and 10 have been canceled. Claims 22-25 have been withdrawn from consideration. Claims 1 and 21 herewith are amended. Claims presently active are claims 1, 5, 9, 11, and 13-21, and 26-27. Favorable reconsideration of the application in view of the following remarks is respectfully requested

Claims 1, 5-11, 13-21, 26, and 27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wexler as evidenced by Landry-Coltrain et al. in view of King et al.

It is the conclusion of the Examiner that "Since the Wexler reference teaches all of Applicant's claimed compositional and positional limitations, it is inherent that the reference article function in the same manner claimed by Applicant. The Examiner states that the burden is upon Applicant to prove that the subject matter shown to be in the prior art does not possess the characteristic relied on" and "At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the ink transporting layer and the ink trapping layer of Wexler and form a single fusible ink accepting layer because as King suggested, forming a single layer rather than two layers is considerably simpler and cheaper to manufacture."

The rejection is traversed. The present claims require that **"the porous ink-receptive layer is the only layer above the porous support."** Consequently the dye-trapping layer of Wexler cannot be equivalent to the claimed porous ink receptive layer, because there is an ink-transporting layer above it, as well as an underlying ink-carrier-receptive layer. Each of these three layers in Wexler are essential and required. There is no teaching in Wexler as to how any one of the layers can be eliminated or combined into a single layer. In fact, the invention of Wexler clearly would not work, if any one of the three layers were removed. The secondary reference to King et al. cannot cure the deficiencies of Wexler for several important reasons. First King et al. says nothing with respect to an absorbent support. King et al. does not remotely teach a porous support and an ink-receptive layer that in combination exhibits a Bristow Test absorption value of 20 to 120 ml/m² or a

porous support that has a Bristow Test absorption value of 6 to 100 ml/m². King et al. apparently find that a completely non-porous synthetic polymeric material, that is a poly(vinyl chloride) substrate used in Example 1 of King et al., can be used or an apparently equivalent plain paper (Example 2). Moreover, the polymeric particles of King et al. are crystalline polymers (column 3, lines 11-12), and King et al. state that "Suitable polymers for the particulate polymer include low density polyethylene and copolymers of ethylene...." (column 2, line 65, to col. 3, line 1).

Furthermore, present claim 21 requires a hydrophobic film forming binder. King et al. prefers a hydrophilic binder and, in fact, uses a hydrophilic binder in the examples, namely poly(vinyl alcohol).

Finally, the independent claims have been amended to require a support having more than one layer, including a voided extruded polymeric film as the upper layer of the support (claim 21) or a synthetic non-woven fibrous sheet contiguous with the lower surface of the ink-receptive layer wherein the porous support comprises interconnecting open-cell pores facing the lower surface of the porous ink-receptive layer (claim 21). No such support is disclosed by King et al. This is important, because Applicants have shown the clear advantage of such a support, as shown in Table 2 in combination with an inkjet recording element in which the porous ink-receptive layer is the only layer above the porous support."

In view thereof, it follows that the subject matter of the claims would not have been obvious over Wexler in view of King et al. at the time the invention was made.

In view thereof, it follows that the subject matter of the claims would not have been obvious of Wexler as evidenced by Landry-Coltrain et al. in view of King et al. at the time the invention was made.

Applicants have reviewed the prior art made of record and believe that singly or in any suitable combination, they do not render Applicants' claimed invention unpatentable.

In view of the foregoing remarks and amendment, the claims are now deemed allowable and such favorable action is courteously solicited.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C P Konkol', written over a horizontal line.

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